

WILLIAM BURNS.

[To accompany Bill H. R. No. 451.]

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MARCH 23, 1860.

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Mr. FENTON, from the Committee on Invalid Pensions, made the following

REPORT.

*The Committee on Invalid Pensions, to whom was referred the memorial of William Burns, of Richland county, Ohio, respectfully report :*

That it appears from the papers on file that in August, A. D. 1814, the petitioner volunteered at Waynesburg, Franklin county, Pennsylvania, and served as first lieutenant in Captain Flannagan's company of Pennsylvania volunteers in the war with Great Britain of A. D. 1812, and that he was honorably discharged after the battle of Baltimore.

He avers that he was stationed in the intrenchments while the weather was very inclement, and that his feet were submerged in water for several days, caused by a heavy rain that fell, and that, being one of the number selected to guard the artillery on the redoubt, he had to stand at his post day and night.

That by reason of this excessive exposure he contracted permanent disease, which very soon resulted in congestion in the thigh of the left leg, tending to mortification. That he was compelled to submit to a surgical operation in which deep incisions were made in his left thigh and a portion of the flesh removed. The result of the operation confined him for many months and resulted in a permanent lameness, which makes him unable to carry on his business or support himself.

The papers on file clearly show that when the applicant entered the service he was a very healthy man, but that ever since he left the service he has been more or less disabled by a disease in his left thigh, and for many years has been unable to earn a livelihood, except by discharging the duties of a justice of the peace, an office which for many years has been conferred upon him chiefly because his disability prevented a more active employment.

The difficulty here and at the department is that the applicant furnishes no direct evidence by his attending surgeon, or any of his comrades, that the disease was contracted while in the service of the government, except by his own testimony. He, however, proves that Dr. John Delig, who was his attending physician, and was a member

of Captain Flannagan's company, and assisted in the surgical operation, is dead. He proves the declaration of Dr. Delig in his lifetime, which, if allowed as evidence, clearly establishes all the material facts of his claim. In addition, Jacob Mann testifies that he has known the applicant for more than fifty years; that they were "raised" in the same place; that when the applicant volunteered he was a healthy, sound man; that the witness saw him on the day of his return from the army; that he then was afflicted with a disease which he said was contracted whilst standing in the water in the intrenchment at Baltimore. The witness says that the disease increased and confined the applicant for twelve to fifteen months; that during that time a surgical operation was performed on his left thigh, and that a permanent lameness and disability was the result of the disease.

On the whole testimony your committee are satisfied that the applicant has a just and meritorious claim upon the bounty of the government, and therefore report a bill.